

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST
LITIGATION.

Master File No. [14-cv-03264-JD](#)

**ORDER GRANTING MOTION TO
STRIKE**

Re: Dkt. Nos. 600, 619

Defendant Toshin Kogyo Co., Ltd. previously filed a motion to dismiss plaintiff's complaint on December 4, 2014. Dkt. No. 430. The Court struck that motion without prejudice because defendant Toshin Kogyo, a corporation, may appear in this action only through an attorney authorized to practice before this Court, and the motion papers did not show that the filer of the motion satisfied that condition. Dkt. No. 457.


Defendant Toshin Kogyo Co., Ltd. has filed a similar motion to dismiss the consolidated class action complaint, dated March 18, 2015. Dkt. No. 600. The motion suffers from the same deficiency, and the direct purchaser plaintiffs have moved to strike the motion on that basis. Dkt. No. 619 at 4-5. Plaintiffs also request that the motion be stricken because it "violates the Court's Scheduling Orders, despite Toshin Kogyo having received adequate notice of applicable deadlines." *Id.* at 5.

The Court grants plaintiffs' motion to strike (Dkt. No. 619) and strikes Toshin Kogyo's second motion to dismiss (Dkt. No. 600). The Court refers Toshin Kogyo to Civil Local Rule 3-9(b), available at the Court's website at <http://cand.uscourts.gov/localrules/civil>. That rule states that "[a] corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court." To be clear, the Court will not consider any

arguments in favor of dismissing Toshin Kogyo unless those arguments are presented to the Court by an attorney who has been admitted and is authorized to practice before the bar of the United States District Court for the Northern District of California.

IT IS SO ORDERED.

Dated: May 1, 2015



JAMES DONATO
United States District Judge

United States District Court
Northern District of California